



UNITED STATES DEPARTMENT OF COMMERCE
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08/478478

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
08/478,748	06/07/95	WALDMANN	T 2026-4003US3

18M1/0709
NATIONAL INSTITUTES OF HEALTH
PATENT BRANCH
OFFICE OF TECHNOLOGY TRANSFER
BOX OTT
BETHESDA MD 20892

EXAMINER	
GAMBEL, P	
ART UNIT	PAPER NUMBER
1806	12
DATE MAILED: 07/09/97	

Below is a communication from the EXAMINER in charge of this application

COMMISSIONER OF PATENTS AND TRADEMARKS

ADVISORY ACTION

☒ THE PERIOD FOR RESPONSE:

- a) ☒ is extended to run 4 MONTHS or continues to run _____ from the date of the final rejection
- b) ☐ expires three months from the date of the final rejection or as of the mailing date of this Advisory Action, whichever is later. In no event however, will the statutory period for the response expire later than six months from the date of the final rejection.

Any extension of time must be obtained by filing a petition under 37 CFR 1.136(a), the proposed response and the appropriate fee. The date on which the response, the petition, and the fee have been filed is the date of the response and also the date for the purposes of determining the period of extension and the corresponding amount of the fee. Any extension fee pursuant to 37 CFR 1.17 will be calculated from the date of the originally set shortened statutory period for response or as set forth in b) above.

☐ Appellant's Brief is due in accordance with 37 CFR 1.192(a).

☒ Applicant's response to the final rejection, filed 6/9/97 has been considered with the following effect, but it is not deemed to place the application in condition for allowance:

1. ☒ The proposed amendments to the claim and/or specification will not be entered and the final rejection stands because:

- a. ☐ There is no convincing showing under 37 CFR 1.116(b) why the proposed amendment is necessary and was not earlier presented.
- b. ☒ They raise new issues that would require further consideration and/or search. (See Note).
- c. ☒ They raise the issue of new matter. (See Note).
- d. ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal.

e. ☐ They present additional claims without cancelling a corresponding number of finally rejected claims.

NOTE: 112.117 WRITING DESCRIPTION: "PROVIDED IN A RATIO, RATIO" IS PROVIDED

112.117/112.118 DO NOT SUPPORT AMENDED LIMITATIONS
112.117/112.118 ISSUES: ON ABOVE "LIMITATIONS"; RATIO BASED ON A PARTICULAR
MG TO MCI OR BOLD OVER ENTIRE RANGE - HOW TO GET SATURATION IN VIVO
BASED ON WHAT CELL/SOURCES OF IL2 IN VIVO, ESTABLISHMENT OF SUCH
SATURATION IN VIVO IS AT ISSUE INCLUDING
MODULATION OF IL2, SOURCES FOR TOTAL IL2

2. ☐ Newly proposed or amended claims _____ would be allowed if submitted in a separately filed amendment cancelling the non-allowable claims.

3. ☒ Upon the filing an appeal, the proposed amendment ☐ will be entered ☒ will not be entered and the status of the claims will be as follows:

Claims allowed: _____
Claims objected to: _____
Claims rejected: 1-25

However,

☐ Applicant's response has overcome the following rejection(s): _____

4. ☒ The affidavit, exhibit or request for reconsideration has been considered but does not overcome the rejection because OF THE REASONS OF REPLY (19) - AMOUNTS ANTICIPATED/MAKES OBVIOUS UNWORKING EXPECTATION OF SUCCESS OF CLAIMED THERAPEUTIC AMOUNTS. APPLICANT HAS NOT DISTINGUISHED

5. ☐ The affidavit or exhibit will not be considered because applicant has not shown good and sufficient reasons why it was not earlier presented. AMOUNTS TAUGHT IN PRIOR ART FROM CLAIMED AMOUNTS.
ALSO NOTE THAT PRIMARY DEFENSE ARE APPLICANT'S OWN WORK.

☐ The proposed drawing correction ☐ has ☐ has not been approved by the examiner.

☒ Other 1 MONTH EXTENSION OF TIME CHARGED
APPLICANT'S EVIDENCE OF FILING (FAX AND 92)
DOES NOT HAVE OFFICIAL CERTIFICATE OF MAILING FOR
JUNE 4 1997 AND PTO RECEIVED AMO 6/9/97
ACCORDING TO POST CARD (AS WELL AS FILE ITSELF)

LILA FEISEE
PRIMARY EXAMINER
GROUP 1800